


**T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT**

Date:	<u>21-Apr-06</u>	APPL. S. N.:	<u>10827349</u>
To Examiner:	<u>WOO, STELLA L.</u>	Art Unit	<u>2614</u>
From	<u>Jefferson, Henry</u> PARALEGAL SPCECIALIST	Return This Memo To: Case Drop-Off Location	<u>JEF-2D68</u>

**SUBJECT:** Decision on Terminal Disclaimer(T.D.) filed:

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE. When your action is complete,

please initial, date and return this memo to me. THANK YOU.

- ☒ The T.D. is PROPER and has been recorded (see 14.23).
- ☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see 14.24):
- ☐ The TD fee of \$0.00 has not been submitted nor is there any authorization in the application file for the use of a deposit account
  - ☐ The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see 14.26 & 14.26.01).
  - ☐ The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see 14.27.01).
  - ☐ The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02).
  - ☐ The person who signed the T.D.:
    - ☐ is not an attorney "of record" (see 14.29 and 14.29.01).
    - ☐ has failed to state his/her capacity to sign for the business entity (see 14.28).
    - ☐ is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02).
  - ☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30).
  - ☐ The T.D. is not signed (see 14.26 & 14.26.03).
  - ☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see 14.32).
  - ☐ The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05).
  - ☐ The period disclaimed is incorrect or not specified (see 14.26, 14.27.02 or 14.26.03).
  - ☐ Other:  
  - ☐ Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item.

I have appropriately notified applicant(s) of the status of the Terminal Disclaimer filed in this case.

Ex.Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Log Date: 19-Apr-06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BINDER=7B

In re Application of:	)	Art Unit: 2643
	)	
Yehuda BINDER	)	Examiner: S. WOO
	)	
Appln. No.: 10/827,349	)	Washington, D.C.
	)	
Filed: April 20, 2004	)	Confirmation No. 2612
	)	
For: A TELEPHONE OUTLET FOR	)	April 11, 2006
IMPLEMENTING A LOCAL...	)	

TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Sir:

SERCONET, LTD., a corporation of the Country of ISRAEL,  
having a principal place of business at 16 Ha'Haroshet Street  
Ra'anana 43657, (hereinafter referred to as "Assignee"), is the  
owner of 100% of the entire right, title and interest in the  
above-identified application and any patent to be granted  
thereon. Assignee, through its undersigned attorney of record,  
hereby disclaims the terminal part (if any) of any patent  
granted on the above-identified application which would extend  
beyond the expiration date of the full statutory term of the  
first-to-expire of any of the following patents or patents  
issuing from the following co-pending applications:

U.S. patent no. 6,970,538, plus any extension  
thereof which may be subsequently granted;

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Assignee hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that said patent is commonly owned with each of said above-identified patents, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns. Assignee does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of the first-to-expire of the above-identified patents in the event that, prior to the expiration of the full statutory term thereof, said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(1), has all claims cancelled by reexamination certificate, is reissued, or is otherwise in any manner terminated prior to expiration of its full statutory term. This terminal disclaimer is being made without waiver of petitioner's rights under 35 U.S.C. §155, §155A, §156, or elsewhere, which may be available to extend the term of any patent granted on the above-identified application beyond the date set by this terminal disclaimer (37 C.F.R. §1.775(a)).

It is Assignee's intent that the amount of time disclaimed and the scope of the common ownership clause be the

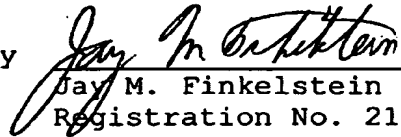
minimum required by law and this document is to be construed to effectuate said intent. No admission is made that any claim of the above-identified application is obvious over any claim of any of the above-identified patents.

The statutory disclaimer fee of \$130.00 / \$65.00 for a small entity per 37 C.F.R. \$1.20(d) is attached.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant(s)

By


  
Jay M. Finkelstein  
Registration No. 21,082

:dtb

Telephone No.: (202) 628-5197

Facsimile No.: (202) 737-3528

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<b>Application Number</b> 	<b>Application/Control No.</b> 10/827,349	<b>Applicant(s)/Patent under Reexamination</b> BINDER, YEHUDA	

<b>Document Code - DISQ</b>	<b>Internal Document – DO NOT MAIL</b>
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<b>TERMINAL DISCLAIMER</b>	<input checked="" type="checkbox"/> <b>APPROVED</b>	<input type="checkbox"/> <b>DISAPPROVED</b>
Date Filed : April 11, 2006	This patent is subject to a Terminal Disclaimer	

<b>Approved/Disapproved by:</b>
Henry D. Jefferson